

REMARKS

Claims 30-38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner indicates that claim 30 is indefinite because the preamble of the claim is presented as if it were directed to a computer program product, but the body of the claim is presented as if it were directed to a method.

Applicant respectfully traverses this rejection. According to the examination guidelines, directed to computer-related inventions, the claim as presented is proper. In particular, in the guideline entitled "2106 Patentable Subject Matter - Computer-Related Inventions" http://www.uspto.gov/web/offices/pac/mpep/documents/2100_2106.htm, when a computer program is recited in conjunction with a physical structure, such as a computer memory, as was done here, office personnel should treat the claim as a product claim, even though the claim recites method steps. This is confirmed in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Accordingly, the rejection should be withdrawn.

The pending application therefore is in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

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Respectfully submitted,

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